

1 BEFORE THE BOARD OF MEDICAL EXAMINERS
2 IN THE STATE OF ARIZONA

3
4 In the Matter of
5 MITCHELL R. GROPPER, M.D.
6 Holder of License No. **25378**
7 For the Practice of Medicine
8 In the State of Arizona.

Case No. MD-99-0102

INVESTIGATION NO. 12569

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER**

(Letter of Reprimand)

9 **INTRODUCTION**

10 This matter was considered by the Arizona board of Medical Examiners
11 ("Board") at its public meeting on August 24, 2000. Mitchell Gropper, M.D. appeared
12 before the Board for the purpose of the Board conducting a formal interview, pursuant
13 to the authority vested in the Board by A.R.S. § 32-1451(G). After due consideration
14 of the facts and law applicable to this matter, the Board voted to issue the following
15 findings of fact, conclusions of law and order.

16 **FINDINGS OF FACT**

- 17 1. The Board is the duly constituted authority for the regulation and
18 control of the practice of allopathic medicine in the State of Arizona.
- 19 2. Dr. Gropper is the holder of License No. 25378 for the practice of
20 medicine in the State of Arizona.
- 21 3. Board Investigation No. 12569 was initiated after the Board was
22 notified, pursuant to A.R.S. § 12-570 that a settlement had been entered in a
23 malpractice action against Dr. Gropper.
- 24 4. The investigation revealed that in November of 1997, Dr. Gropper
25 performed surgery on patient L.M. in regard to her complaints of back pain.

1 5. The procedure included transthoracic corpectomy, T11; cage
2 fusion; lateral thoracic plate T10-T12. Dr. Gropper experienced some difficulty
3 with the first cage and replaced it intraoperatively.

4 6. During the postoperative period, L.M. began to experience leg
5 numbness and bladder problems. Approximately eight days postoperative a CT
6 scan was ordered to evaluate the urinary problems.

7 7. The CT showed that the T10 screws had gone posteriorly to
8 cause a 50% spinal canal compromise. The T12 screws were also posterior
9 with threads that penetrated the cortex.

10 8. Dr. Gropper fell below the standard of care by negligently placing
11 at least one screw directly into L.M.'s spinal canal or spinal cord.

12 9. Dr. Gropper failed to utilize appropriate intraoperative radiographic
13 studies during the course of the two surgical procedures.

14 10. Dr. Gropper also failed to recognize and ignored L.M.'s severe
15 neurological symptoms that were caused by the screw in the spinal canal.

16 **CONCLUSIONS OF LAW**

- 17 1. The Board possesses jurisdiction over the subject matter hereof and
18 over Dr. Gropper pursuant to A.R.S. § 32-1401 *et seq.*
- 19 2. The conduct and circumstances described above in paragraphs 3
20 through 10 constitute unprofessional conduct pursuant to A.R.S. § 32-
21 1401(25)(II), "Conduct that the Board determines is gross negligence,
22 repeated negligence or negligence resulting in harm to or death of a
23 patient."
- 24
- 25

1 **ORDER**

2 Based on the foregoing Findings of Fact and Conclusions of Law,

3 IT IS HEREBY ORDERED that a letter of reprimand be issued to Dr. Gropper for
4 the aforementioned unprofessional conduct.

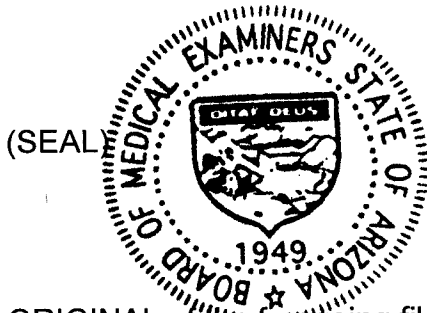
5 **RIGHT TO PETITION FOR REVIEW**

6 Dr. Gropper is hereby notified that he has the right to petition for a rehearing.
7 Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing must be filed with
8 the Board's Executive Director within thirty (30) days after service of this Order and
9 pursuant to A.A.C. R4-16-102, it must set forth legally sufficient reasons for granting a
10 rehearing. Service of this Order is effective five (5) days after the date of mailing. If a
11 motion for rehearing is not filed, the Board's Order becomes effective thirty-five (35) days
12 after it is mailed to Dr. Gropper.

13 Dr. Gropper is further notified that the filing of a petition for rehearing is required to
14 preserve any rights of appeal to the Superior Court that he may wish to pursue.

15 DATED this 4th day of December, 2000.

16 BOARD OF MEDICAL EXAMINERS
17 OF THE STATE OF ARIZONA



19 By Claudia Foutz
20 CLAUDIA FOUTZ
21 Executive Director

22 ORIGINAL of the foregoing filed
23 this 5th day of December, 2000, with:

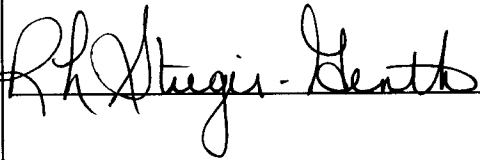
24 The Arizona Board of Medical Examiners
25 9545 East Doubletree Ranch Road
Scottsdale, Arizona 85258

1 EXECUTED COPY of the foregoing mailed by
2 Certified Mail this 5th day of December, 2000, to:

3 Mitchell Gropper, M.D.
4 3017 Bonnie Brae Cres
5 Flossmore, IL 60422

6 COPY of the foregoing hand-delivered this
7 5th day of December, 2000, to:

8 Richard F. Albrecht, Esq., Assistant Attorney General
9 c/o Arizona Board of Medical Examiners
10 9545 E. Doubletree Ranch Road
11 Scottsdale, AZ 85258
12 Counsel for the Board

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